

**STATE WATER RESOURCES CONTROL BOARD
UNDERGROUND STORAGE TANK REGULATIONS
TITLE 23, DIVISION 3, CHAPTER 16, CCR**

INITIAL STATEMENT OF REASONS

PROBLEM, REQUIREMENT, OR OTHER CONDITION ADDRESSED

These proposed regulations amend sections 2611, 2630, 2635, 2636, 2636.1, 2637, 2641, 2643, and 2712, and add sections 2631.1, 2638, and 2715 in Title 23 of the California Code of Regulations (CCR). These regulatory changes are needed in order to implement Health and Safety Code (HSC) sections 25284.1 and 25291.

These amendments to Title 23 will:

1. Require certification for: 1) persons who are responsible for the operation and compliance of an underground storage tank facilities (defined in this regulation package as “designated operators”), 2) persons who conduct UST facility compliance inspections, 3) persons who install underground storage tank systems or components, and 4) persons who install, calibrate, test, and maintain monitoring equipment (defined in this regulation package as “service technicians”).
2. Require owners of UST systems to sign a written statement to be submitted to the local agency stating that their facility is in compliance with all regulatory and statutory requirements, and identifying the facility’s designated UST operator.
3. Require annual on-the-job training for facility employees provided by the designated UST operator.
4. Require owners or operators of underground storage tank systems to submit product compatibility and permeability information to the State Water Resources Control Board or local regulatory agency, upon request.
5. Require automatic line leak detectors on all double-walled pressurized piping and provide an alternative to the 0.1 gallon per hour (gph) annual line test.
6. Permit licensed tank testers to install, calibrate, test, and maintain monitoring equipment if they meet existing training and certification requirements.

General Statement of Reasons

California’s Legislature enacted Health and Safety Code (HSC) Chapter 6.7 in 1984. Since then, it has amended Chapter 6.7 in response to federal mandates relating to USTs, or new information regarding changing industry practices and/or the performance of USTs meeting then current UST regulatory standards in California. In October 1999, and April 2001, the Legislature again amended Chapter 6.7, enacting Senate Bill 989 (stats. 1999, ch. 812), and Assembly Bill 1465 (stats. 2001, ch.154) respectively.

Senate Bill 989 essentially codified Executive Order D-5-99. This Executive Order was the Governor's response to a University of California report on the environmental impacts of methyl tertiary butyl ether (MTBE) -- an additive put into motor vehicle fuel beginning in the late 1980's, early 90's. The Executive Order required the phase-out of MTBE in fuel by December 31, 2002, although this date was subsequently postponed one year by Executive Order D-52-02. Senate Bill 989 amended Chapter 6.7 to supplement the phase-out of MTBE with more stringent construction and monitoring standards for underground storage tanks. These amendments included a new requirement for owners and operators of UST systems, local agency UST facility inspectors, UST system installers, and UST monitoring equipment service technicians to meet minimum industry-established training standards. The proposed regulations also implement this new requirement.

Assembly Bill 1465 expanded on the task a licensed tank tester can perform in California. Licensed tank testers are now able to perform annual monitoring certifications for leak detection equipment. This includes installation, repair, maintenance, calibration, and annual certification of leak detection equipment.

EFFORT TO AVOID DUPLICATON OR CONFLICTS WITH FEDERAL REGULATIONS

Based on careful review of the federal UST statutes and regulations, the SWRCB has determined that none of the proposed regulations conflicts with, or duplicates, federal rules. The SWRCB proposes to adopt these regulations, which are different from federal regulations, because HSC sections 25284.1 and 25291 authorize these differing state regulations.

ALTERNATIVES CONSIDERED

The SWRCB has considered alternatives to these regulations within the scope allowed by HSC sections 25284 and 25292.3. These alternatives are discussed in the Detailed Statement of Reasons below. The SWRCB has determined that no alternative to these regulations would be more effective or as effective and less burdensome to the affected industry, local governments, and state agencies than the proposed regulations.

DETAILED STATEMENT OF REASONS

The specific reason for each amended, moved, renumbered, added, or deleted regulation is summarized below.

Section 2611. Additional Definitions

The definition of “best management practice” has been added to implement Health and Safety Code (HSC), section 25284.1 (a)(4)(A)(i), which requires facilities to be operated in a manner consistent with industry-established best management practices.

The definition of “cathodic protection tester” is amended. These individuals service cathodic protection systems for underground storage tanks, placing them under the general category of “service technician”. HSC section 25284.1 requires that service technicians meet minimum industry-established training standards. Therefore, the definition of “cathodic protection tester” has been modified to require certification by the National Association of Corrosion Engineers (NACE) or the International Code Council (ICC), which was previously known as the International Conference of Building Officials. The SWRCB has determined that the certifications offered by these organizations will satisfy the training requirement set forth in HSC section 25284.1.

The definition of “corrosion specialist” is amended. These individuals work with cathodic protection systems for underground storage tanks, placing them under the general category of “service technician”. HSC section 25284.1 requires that service technicians meet minimum industry-established training standards; therefore, the definition of “corrosion specialist” has been modified to ensure consistent implementation with this requirement. Furthermore, this definition has been amended to be consistent with the definition of a “corrosion expert” in 40 Code of Federal Regulations, Section 280.11.

The definition of “designated UST operator” has been added to implement the operator training requirement in HSC section 25284.1 (a)(4)(A)(i), which requires that owners and operators meet industry-established training criteria, and that tank facilities are operated in a manner consistent with industry-established best management practices. As an alternative to requiring the operator at each facility to become certified, the position of designated UST operator was added to decrease the burden for regulated businesses. Each business can either designate an existing employee to become certified, or employ an outside party as the facility’s designated UST operator. The introduction of the designated UST operator position does not change the current requirements or responsibilities of the “operator”, as defined in HSC 25281.

The definition of “facility employee” has been added to identify the employee who is required to meet the on the job training requirements. This definition was added to ensure tank facilities are operated in a manner consistent with industry-established best management practices.

The definition of “fail-safe” has been added. This definition is intended to clarify the performance elements that leak detection equipment must include in order to be considered fail-safe. The performance elements included in the definition of fail-safe had previously been included in the text of regulations pertaining to monitoring equipment. By adding this definition it is possible to simply reference “fail-safe” equipment where applicable throughout the regulations, rather than repeatedly listing the performance elements.

The definition of “Service technician” has been added to implement HSC section 25284.1, which requires service technicians to meet minimum industry-established training criteria.

Section 2630. General Applicability of Article.

Subdivision (d) of section 2630 has been amended to refer to the newly created section 2638, rather than subdivision (b) of section 2637. Section 2638 contains the text formerly found in 2637(b), so the change to 2630(d) is required to maintain its original intent.

Section 2631.1. Compatibility and Permeability Testing Requirements for All New Underground Storage Tanks.

Section 2631.1 has been added to consolidate the compatibility and permeability testing requirements for new underground storage tanks.

Subdivision (a) of section 2631.1 has been added to include language found in 40 Code of Federal Regulations, section 280.32. This has been added to clarify owner and operator responsibilities with respect to the type of product they choose to store in their underground storage tank system.

Subdivision (b) of section 2631.1 has been added to outline the third party evaluation process as it pertains to compatibility and permeability testing. This is added to clarify that compatibility and permeability testing shall be included in the third party evaluation process for underground storage tank systems.

Subdivision (c) of section 2631.1 has been added to require the submittal of compatibility and permeability testing results for underground storage tank (UST) system components installed on or after July 1, 2003, when requested by a local agency. HSC section 25291, subdivisions (a)(1) and (2) specify that primary containment shall be product-tight, and that secondary containment shall be constructed to prevent structural weakening as a result of contact with any released hazardous substance. Further, HSC section 25281 defines “product tight” as impervious to the contained substance, or substance to be contained, so as to prevent the seepage of the substance from the primary containment. To be product-tight, the containment shall not be subject to physical or chemical deterioration by the contained substance over the useful life of the tank. Currently, subdivision (b) of section 2631 requires that the design and construction of all primary and integral secondary containment systems must be approved by an independent testing organization. Compatibility and permeability testing has been a standard part of this approval process for many years. The proposed regulations will provide local regulatory

agencies with the authority to obtain the results of the test in order to verify that the UST system components are “product tight”.

Section 2635. Installation and Testing Requirements for All New Underground Storage Tanks.

Subdivision (d)(1) of section 2635 has been amended in order to consolidate training and certification requirements into a new section, 2715. To achieve this, existing text in subdivision (d)(1) of section 2635 has been moved to section 2715, subdivision (d). A reference to the new subdivision is added to 2635(d)(1).

Subdivision (d)(2) of section 2635 has been moved in order to consolidate training and certification requirements into a new section, 2715. To achieve this, existing text in subdivision (d)(2) of section 2635 has been moved to 2715(e).

Subdivisions (d)(3), (4), and (5) of section 2635 were renumbered to subdivisions 2635(d)(2), (3), and (4) to keep the numbering of this subdivision consistent.

Section 2636. Design, Construction, Installation, Testing, and Monitoring Requirements for Piping.

Subdivision (f)(2) of section 2636 is amended to include a statement that the line leak detector shall restrict or shut off the flow of product when a leak is detected. This requirement does not apply to UST systems connected to emergency generators, since cutting the flow of product to a generator may pose a threat to human health.

Former subdivision (f)(3) of section 2636 has been deleted to disallow the option of using “other monitoring methods” in lieu of automatic line leak detectors. This was done to address the following warning, which was printed in the most recent revision (2000) of the Petroleum Equipment Institute (PEI) *Recommended Practices for Installation of Underground Liquid Storage Systems*:

“Substantial releases from secondarily contained pressurized piping systems have occurred because of the failure of interstitial sensors or leakage of product out of the secondary containment before the product could reach the sensor. It is recommended that line leak detectors be installed on all pressurized piping systems, including those with secondary containment.”

Additionally, a recent field evaluation of interstitial sensors by the State Water Resources Control Board (SWRCB) has brought into question the reliability of such monitoring systems as a sole release detection method. Current regulations allow for sensors to be used as the sole monitoring method for pressurized piping. However, the field evaluation showed that 5.6% of sensors failed to alarm properly when tested. Monitoring with line leak detectors in conjunction with sensors provides additional protection from releases due to catastrophic line leaks. Therefore, the amendments to subdivision (f)(2) and the deletion of former subdivision (f)(3) of section 2636 would require automatic line leak detectors on all pressurized piping.

SWRCB staff estimates that approximately 5% of UST facilities throughout the state are using continuous interstitial monitoring with pump shutdown in lieu of automatic line leak detectors. We are not aware of any other methods currently being used. The requirement for automatic line leak detectors goes into effect 6 months after the effective date of the regulation, which allows time for affected facilities to install the necessary equipment.

Subdivision (f)(2) of section 2636 is also amended to describe an exemption from the requirement that line leak detectors restrict or shut off the flow of product in the event of a leak. The exemption applies only to UST systems connected to emergency generator systems. A line leak detector that restricts or shuts off the flow of product would take an emergency generator offline each time a leak is detected, even in the case of false alarms. The alternative monitoring method described in subdivision (f)(3) of section 2636 is intended to prevent interference with the operation of the generator in an emergency situation.

In subdivision (f)(2) of section 2636, the option of checking the status of the monitoring system via remote electronic access has been included, in order to address the fact that many emergency generator systems are located in remote areas and are not routinely staffed.

In subdivision (f)(2) of section 2636, the requirement for a daily inspection log is included so local implementing agencies can verify that the facility is being inspected daily, in compliance with this regulation.

Subdivision (f)(3) [formerly subdivision (f)(4)] of section 2636 is amended to omit the reference to subdivision (g) of section 2636. This is needed since the contents of former subdivision (g) of section 2636 have been incorporated, with changes, into subdivision (f) of section 2636.

Subdivision (f)(4) of section 2636 is amended to include, with modifications, the text previously included in subdivision (g)(1) through (5) of section 2636. It describes a monitoring option that is defined as equivalent to the annual 0.1 gallon per hour precision test required by subdivision (f)(3) of section 2636. The changes to this text allow for monitoring systems located in the under-dispenser containment to either shut off the pump or stop the flow of product at the dispenser, rather than only shutting down the pump. Subdivisions (f)(4)(A) and (B) of section 2636 describe the criteria an underground storage tank system must satisfy in order to become exempt from the annual 0.1 gallon per hour precision test.

Former subdivision (g) of section 2636 is deleted. The requirements previously found in this subdivision have been incorporated, with changes, into subdivision (f)(4) of section 2636.

Subdivision (h) of section 2636 has been renumbered to 2636(g).

Section 2636.1 Final Division Decisions Regarding Under-Dispenser Containment or Control Systems

Subdivision (a) of section 2636.1 is amended to reflect the numbering changes in section 2636.

Section 2637. Secondary Containment Testing.

The heading of section 2637 has been amended to reflect the movement of the annual monitoring equipment certification requirements to the newly created section 2638.

Subdivision (a) of section 2637 is amended to exclude the statement “Secondary containment testing shall be conducted as follows”. This statement is no longer needed due to the renumbering of subdivisions (a)(1) through (6) of section 2637.

Subdivision (a)(1), (2), (3), (4), (5), and (6) of section 2637 have been renumbered. These subdivisions are now numbered (b), (c), (d), (e), (f), and (g) of section 2637 respectively.

Subdivision (d) of section 2637 has been amended to reference subdivisions (d), (e), (f), and (g) of section 2715. Subdivision (d) of section 2637 has also been amended to include service technicians as qualified to perform secondary containment testing, since the term service technician is now defined in section 2611.

Former subdivision (b) of section 2637 has been moved to the newly created subdivision (a) of section 2638.

Section 2638. Annual Certification of Monitoring Equipment

Section 2638 is created so that the requirements of annual monitoring system certification will be located in their own section.

Former subdivision (b) of section 2637 has been moved to 2638(a).

Former subdivision (b) of section 2637, now subsection (a) of section 2638, is amended to exclude the January 1, 2002 effective date, since the date has already passed.

Former subdivision (b)(1) of section 2637 has been moved to subdivision (b) of section 2638.

Subdivision (b) of section 2638 has been amended. The requirements formerly found in subdivisions (b)(1)(A), (B), and (C) of section 2637 have been moved to subdivisions (d)(1) and (2) of section 2715 in order to consolidate the training and certification requirements for an UST service technician. Subdivision (b) of section 2638 now includes a reference to subdivisions (f) and (g) of section 2715. The reference to subdivision (f) of section 2715 is added to include licensed tank testers among the individuals allowed to perform annual monitoring equipment certification, as required by

HSC section 25284.1 which was recently amended by Assembly Bill (AB) 1465 (stats. 2001, ch. 154).

Former subdivision (b)(3) of section 2637 has been moved to subdivision (c) of section 2638. This change is for organizational purposes only, and does not change the intent of the regulation.

Former subdivision (b)(4) of section 2637 has been moved to subdivision (d) of section 2638. This change is for organizational purposes only, and does not change the intent of the regulation.

Former subdivision (b)(5) of section 2637 has been moved to subdivision (e) of section 2638. This change is for organizational purposes only, and does not change the intent of the regulation.

Former subdivision (b)(6) of section 2637 has been moved to subdivision (f) of section 2638. This change is for organizational purposes only, and does not change the intent of the regulation.

Section 2641. Monitoring Program Requirements.

Subdivision (j) of section 2641 is amended to reflect the numbering changes in section 2637. Reference in this subdivision has been amended to section 2638 in order to maintain the original intent of this subdivision.

Section 2643. Non-Visual Monitoring/Quantitative Release Detection Methods.

Subdivision (f)(5) of section 2643 is added to require the submittal of compatibility information for leak detection equipment used in underground storage tank systems, when requested by the SWRCB. HSC section 25291, subdivision (b) specifies the underground storage tank system be designed and constructed with a monitoring system capable of detecting the entry of the hazardous substance stored in the primary containment into the secondary containment. Leak detection equipment is vital to identifying unauthorized releases in the underground storage tank system and must function properly with the product being stored. Furthermore, this provision will give local agencies a tool to have owners and operators replace leak detection equipment that are not compatible with the product being stored.

This requirement does not mandate manufacturers of leak detection equipment to supply all the detailed test data, but simply requires that the results of compatibility testing information be provided to the SWRCB upon request. The compatibility information shall include a list of compatible products in which the leak detection system will function properly.

Section 2712. Permit Conditions.

Subdivision (e) of section 2712 is amended to reference HSC section 25288, rather than the general reference that was found previously in this subdivision. This amendment does not change the intent of this subdivision.

Section 2715. Certification, Licensing, and Training Requirements for Underground Storage Tank Owners, Operators, Installers, Service Technicians, and Inspectors.

Section 2715 has been added to consolidate into one section the training and certification requirements for UST owners, operators, service technicians, installers, and inspectors. The section includes existing training requirements that have been moved from other locations, as well as new requirements that have been added in accordance with recent statutory changes. Specifically, HSC section 25284.1 now requires UST owners, operators, installers, service technicians, and inspectors to satisfy minimum industry-established training criteria.

Section 2715 specifies that UST operators, installers, service technicians, and inspectors shall demonstrate compliance with the minimum industry-established training criteria requirement by successful completion of a certification exam. In order to ensure an unbiased, high-quality certification program at no cost to the State, the SWRCB is proposing that the International Code Council (ICC)¹, an independent, non-profit organization, administer the certification exams required for Designated UST Operators, UST Installers, and Service Technicians². ICC has considerable experience and reputation in the field of certification exams, and is able to provide exams at reasonable cost to the large number of individuals throughout the state who will be applying to obtain certification.

ICC has a long track record of developing and administering a wide variety of exams to satisfy professional certification requirements, both regulatory and industry-based. Their experienced certification staff have worked with several states to develop nationally recognized certification examinations. Each ICC exam is developed, validated, and administered in accordance with applicable regulatory and professional standards. A committee of experts with broad national representation and experience in UST work is formed as the key to the certification examination development and validation process. Each certification exam is periodically reviewed and updated as needed.

Many states, including Alaska, Arizona, Illinois, Indiana, Nevada, New Hampshire, Oregon, and Washington, either require or recognize ICC certification in a variety of professions related to UST systems. Additionally, several state and local regulatory agencies require or recognize ICC certification in other fields, including a variety of building inspectors, fire inspectors, and building code officials.

¹ Previously, ICC was known as the International Conference of Building Officials (ICBO).

² Certification for inspectors will be provided by the SWRCB or a designee, as discussed in the statement of reasons for subdivision (h) of section 2715 (on page 13).

As a non-profit organization, ICC charges only minimal exam fees (currently \$70) necessary to offset the cost of developing, maintaining, and administering the exam. The SWRCB has not paid and will not pay ICC for developing or administering certification exams. ICC provides all exams under controlled testing conditions. ICC certification examinations are administered using a “computer-based-testing” (CBT) method. However, knowledge of computers is not needed and there is no keyboard to use; instead, an electronic touch screen device is used. The CBT examinations are administered for ICC by Assessment Systems, Inc. (ASI), a professional testing company. The examination results are reported to ICC on a monthly basis. Certificates and wallet cards are issued by ICC based on the score information provided by ASI. The benefits of the CBT method are the short registration time required before the examination, frequent administration dates, and the immediate scoring upon completion of the examination.

ICC currently offers exams throughout the nation, including six locations across California (Bakersfield, Glendale, Oakland, Riverside, Sacramento, and San Diego). Each examination site has access for candidates with disabilities, and can provide special arrangements for testing to those with a disabling condition. Additionally, ICC has offered to provide exams in remote areas as needed, using a mobile testing center. SWRCB staff have made efforts to search for other testing entities which might also be capable of providing this service. However, no other entity known to the SWRCB is equally qualified. Therefore, ICC was selected as the provider of these certification exams.

Subdivisions (a), (b), and (c) of section 2715 were added to establish certification and training requirements for UST owners and operators. HSC section 25284.1, requires that owners and operators meet industry-established training criteria.

To satisfy subdivision (a) of section 2715, all underground storage tank owners will be required to sign a statement indicating they understand and are in compliance with all regulatory and statutory requirements, and have identified to the local agency a designated UST operator for their facility. An owner may select themselves as the designated UST operator for their facility if they meet the requirements of subdivision (b) of section 2715. If there is a change of the designated UST operator, the owner has 30 days to notify the local agency of the UST facility’s new designated UST operator.

To satisfy subdivision (b) of section 2715, the designated UST operator must pass an exam and obtain a current certificate issued to him or her by ICC. The certificate is intended to assure that the designated UST operator is able to respond to compliance issues that arise at an underground storage tank facility. In addition, the designated UST operator is required to perform monthly visual inspections of each facility for which he or she has been designated. Visual inspections are required in order to assure each facility is operated in a manner consistent with industry-established best management practices, as required by HSC section 25284.1. The designated UST operator must record results of each monthly visual inspection and keep the report on-site as evidence of the facility’s compliance. Other tasks a designated UST operator is expected to complete include: reviewing monitoring system alarms, overseeing spill cleanup, and providing training for facility employees. To effectively carry out these tasks, each designated UST operator must limit the number of UST facilities for which he or she accepts responsibility.

The July 1, 2004 effective date for this requirement will allow enough time for the development of certification and training programs and for designated UST operators to take exams and obtain certificates. This timeframe will also give owners enough time to employ a designated UST operator.

During the development of these regulations, industry representatives voiced concerns regarding the high costs of training, particularly in light of the high turnover rate associated with facility employees. The concept of a designated UST operator addresses this concern. Subdivision (c) of section 2715 establishes minimal on-the-job training requirements for facility employees and requires that, at a minimum, one trained facility employee be on-site during business hours. This on-the-job training of facility employees is required in order to assure each facility is operated in a manner consistent with industry-established best management practices, as required by HSC section 25284.1. The level of facility employee responsibility can vary depending on the facility; however, facility employees are not responsible for ensuring regulatory compliance at a UST facility. With this in mind, the facility employee should be provided access to a variety of on the job training, depending on the employee's needs and skill level. The designated UST operator will play a vital role in identifying these needs and addressing them in a site-specific annual training program.

Subdivision (c)(1) of section 2715 outlines training that should be provided to facility employees by the designated UST operator. The facility employee, at a minimum, should be trained on operating the underground storage tank facility in a manner consistent with the facility's best management practices; the role the facility employee has with regard to the monitoring system; the role the facility employee has with regard to spills and overfills; and whom to contact for emergencies and alarms.

Subdivision (c)(2) of section 2715 requires that at least one facility employee who has been trained by the designated UST operator be on-site during operating hours. This will ensure that at a minimum, one trained facility employee will have the training outlined in subdivision (c)(1) of section 2715.

Subdivision (c)(3) of section 2715 requires a list of the trained facility employees to be maintained on-site and must include the date the designated UST operator trained each facility employee.

Subdivision (d) of section 2715 is added. It contains existing text in subdivision (d)(2) of section 2635. This text has been moved to consolidate the training requirements for an installer of UST system components. The intent of the regulation has not been changed.

Subdivision (e) of section 2715 is added to specify who must satisfy the requirements of subdivisions (e)(1) and (2) of section 2715.

Subdivision (e)(1) of section 2715 is added and contains existing text in subdivision (d)(1) of section 2635. This text has been moved to consolidate the training requirements for an installer of UST system components. The intent of the regulation has not been changed.

Subdivision (e)(2) of section 2715 is added, in accordance with HSC section 25284.1, to describe the minimum industry-established training requirement for an installer of UST system components. HSC section 25284.1, requires that installers meet industry-established training criteria. To satisfy the requirements of subdivision (e)(2) of section 2715, an installer must pass an examination and obtain a current certificate issued to him or her by ICC.

The January 1, 2004 effective date for this requirement will allow persons performing underground storage tank system installations to complete the examination and certification process without undue hardship. Certification programs for installers of underground storage tank systems presently exist, so this timeframe will give installers enough time to obtain this certification.

Subdivision (f) of section 2715 is added to outline the training requirements of a service technician.

Subdivision (f)(1) of section 2715 is added. It contains the text previously found in subdivision (b)(1)(A) of section 2637. This text has been moved to consolidate the training requirements for a service technician of underground storage tank system components. The intent of the regulation has not been changed.

Subdivision (f)(2) of section 2715 is added. It details the manufacturer's training requirements of a service technician. Requirements for service technicians to have current manufacturer's training were previously located in subdivisions (b)(1)(B) and (C) of section 2637. They have been moved to subdivision (f)(2) of section 2715 in order to consolidate all training and certification requirements for UST service technicians.

Subdivision (f)(2)(A) of section 2715 is added to outline the manufacturers training requirements for a service technician conducting secondary containment testing. While the regulations previously required service technicians conducting secondary testing to have manufacturer's training (per subdivision (a)(3) of section 2637), it was not specified where that training should come from. Subdivision (f)(2)(A) of section 2715 is intended to clarify which training is acceptable.

Subdivision (f)(2)(B) of section 2715 is added to clarify which training is acceptable for service technicians working on monitoring equipment. Manufacturer training was previously required per subdivision (b)(1)(B) of section 2637. It has been moved to subdivision (f)(2) of section 2715 in order to consolidate the training requirements for a service technician of underground storage tank systems. The intent of the regulation has not been changed.

Subdivision (f)(2)(C) of section 2715 is added to outline an alternative to manufacturers training if a manufacturer does not have a training program. This alternative will give local agency inspectors the ability to evaluate if a service technician is qualified to work on equipment, when the manufacturer does not offer a training program.

Subdivision (f)(3) of 2715 is added. It contains the text previously found in subdivision (b)(1)(C) of section 2637. This text has been moved and modified to consolidate the training requirements for a service technician of underground storage tank system components. The intent of the regulation has not been changed.

Subdivision (f)(4) of section 2715 is added, in accordance with HSC section 25284.1, to describe the minimum industry-established training requirement for an UST system service technician. HSC section 25284.1, requires that service technicians meet industry-established training criteria. To satisfy the requirements of subdivision (f)(4) of section 2715, a service technician must pass an examination and obtain a current certificate issued to him or her by ICC.

The January 1, 2004 effective date for this requirement was chosen to allow enough time for development of exam programs. This timeframe will also allow the large group of people subject to this new requirement to complete certification, while not placing an excessive burden on all who are involved.

Subdivision (g) of section 2715 is added to implement the portion of AB 1465 (stats. 2001, ch. 154), that adds licensed tank testers to the list of persons qualified to work with monitoring equipment. This portion of AB 1465 modifies HSC section 25284.1.

Subdivision (g) of section 2715 also specifies that licensed tank testers must meet both the manufacturer's training and industry-established training requirements applicable to service technicians in order to perform the work of a service technician. This is needed since the tank tester exam does not cover specific equipment, test procedures, or many of the elements included in the industry-established training criteria.

Subdivision (h) of section 2715 is added in accordance with HSC section 25284.1, to describe the minimum industry-established training requirement for an inspector of UST facilities. The industry-established training criteria were developed by a workgroup comprised of industry representatives, consultants, and regulators.

To satisfy subdivision (h) of section 2715, an inspector must complete the certification process administered by the SWRCB or designee of the SWRCB. The SWRCB is in frequent contact with local regulatory agencies through Certified Unified Program Agency evaluations, workshops, technical support, and outreach efforts. This open communication allows the SWRCB greater understanding of the training needs of local regulatory agencies. As the agency with statewide regulatory authority for the underground storage tank program, the SWRCB is qualified to establish training classes in order to facilitate the certification of local agency inspectors. In fact, the SWRCB has provided inspector training courses for several years through contracts. At this time, the SWRCB plans to modify the format of these existing training courses to include an exam and certification. As an alternative, the regulations also allow the SWRCB to designate an independent organization to develop and administer an appropriate inspector certification exam.

The January 1, 2005 effective date for this requirement was chosen to allow enough time for development of the certification program. This timeframe will also allow inspectors

subject to this new requirement to complete certification, while not placing an excessive burden on local regulatory agencies. Local agency inspectors hired after the January 1, 2005 effective date will have 180 days to complete certification. This will allow each local agency enough time to provide on the job training for newly hired local agency inspectors.